

1/29/2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JULIA C. DUDLEY, CLERK
BY: S/J. Vasquez
DEPUTY CLERK

LISA N. GOODNIGHT,

Plaintiff,

Civil Action No. 5:19-cv-00006

v.

Circuit Court of Rockingham County, Virginia
Case No. CL19-316

DYNAMIC AVIATION GROUP, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant Dynamic Aviation Group, Inc. ("Dynamic"), by counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, files this Notice of Removal on the following grounds:

1. Plaintiff Lisa N. Goodnight ("Goodnight") filed a Complaint against Dynamic in the Circuit Court of Rockingham County, Virginia on January 17, 2019. A copy of the Complaint is attached hereto as **Exhibit A**.

2. In the Complaint, Goodnight alleges certain violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* Goodnight's claims arise under federal law. Before filing the Complaint, Goodnight was required to exhaust her administrative remedies with the Equal Employment Opportunity Commission ("EEOC"). The EEOC fully investigated Goodnight's claims and on December 13, 2018 issued a Dismissal and Notice of Rights. The EEOC did not find that any illegal conduct occurred.

3. This Court has original jurisdiction over this proceeding pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).

4. Dynamic received a copy of Goodnight's Complaint on January 18, 2019. No summons has been issued and no other pleading has been filed.

5. Under 28 U.S.C. § 1446(b), Dynamic filed this Notice of Removal within 30 days after receipt of the copy of Goodnight's Complaint.

WHEREFORE, Dynamic Aviation Group, Inc. requests that this action be removed from the Circuit Court of Rockingham County, Virginia to the United States District Court for the Western District of Virginia, Harrisonburg Division.

Respectfully submitted this 29th day of January, 2019.

DYNAMIC AVIATION GROUP, INC.
By Counsel

/s/ Andrew S. Baugher
ANDREW S. BAUGHER (VSB #74663)
CATHLEEN P. WELSH (VSB ##34191)
Of Lenhart Pettit
90 North Main Street, Suite 201
P. O. Box 1287
Harrisonburg, Virginia 22803
Tel: (540) 437-3138
Fax: (540) 437-3101
asb@lplaw.com
cpw@lplaw.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2019, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system and sent a true copy by mail and e-mail to:

John C. Cook, Esq.
Philip C. Krone, Esq.
Cook, Craig & Francuzenko, PLLC
3050 Chain Bridge Road, Suite 200
Fairfax, VA 22030
jcook@cookcraig.com
pkroner@cookcraig.com
Counsel for Plaintiff

I further certify that a true copy of the foregoing Notice of Removal was hand delivered to and filed with the Clerk's Office of the Circuit Court of Rockingham County, Virginia, on January 29, 2019.

/s/ Andrew S. Baugher
Counsel for Defendant

732308